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09/703,261	10/31/2000	Paul G. Allen	4000.2.8	1804

			EXAMINER
32641	7590	12/14/2004	USTARIS, JOSEPH G

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/703,261	ALLEN ET AL.
	Examiner	Art Unit
	Joseph G Ustaris	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 August 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the RCE amendment dated 20 August 2004 in

application 09/703,261.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 14, 15, and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Menard et al. (US006810526B1) in view of Papadimitriou et al.

(US005592626A).

Regarding claim 1, Menard et al. (Menard) discloses a "method for headend-

based information monitoring, delivery, and notification" (See Fig. 1; column 1 lines 23-

42). The system is able to "register at a cable television headend (See Fig. 1, Access

TV Server 2) a plurality of user requests for information (See column 3 lines 18-22 and

column 4 lines 41-46) received from a plurality of Internet-enabled television systems

connected to the cable television headend (See Fig. 1, User PC; column 3 lines 38-39)".

The system "monitors at the cable television headend one or more information sources"

and "locate the requested information" (See column 1 lines 23-27). The system also

"automatically delivers the requested information to the requesting Internet-enabled

television system" (See column 3 lines 40-47) and "notifies a user concerning the

delivered information using the Internet-enabled television system" (See column 3 lines

33-39 and column 5 lines 19-36). However, Menard does not disclose "registering at the

cable television headend for at least one of the requests user-specified criteria for

delivery of the requested information in response to a future triggering event that is

separate from and in addition to locating the information" and "delivering the requested

information...in response to the delivery criteria being satisfied".

Papadimitriou et al. (Papadimitriou) discloses a system and method for efficiently

delivering user requested multimedia information in a network of servers. Papadimitriou

discloses a scheduler located at the server that is able to receive requests for

multimedia programs from the user as well as user selected times at which the user

wishes to receive the multimedia programs. The server and scheduler delivers the

requested multimedia program to the user's receiver at the times specified by the user

or "registering at the cable television headend for at least one of the requests user-

specified criteria for delivery of the requested information in response to a future

triggering event that is separate from and in addition to locating the information" and

"delivering the requested information...in response to the delivery criteria being

satisfied" (See Fig. 1; column 2 lines 17-21 and lines 39-46 and column 4 line 50 –

column 4 line 9). Therefore, it would have been obvious to one with ordinary skill in the

art at the time the invention was made to modify the servers disclosed by Menard to

include a scheduler that is able to "register for at least one of the requests user-

specified criteria for delivery of the requested information in response to a future

triggering event that is separate from and in addition to locating the information" and

"delivering the requested information... in response to the delivery criteria being

satisfied", as taught by Papadimitriou, in order to increase the capabilities and options of

the system thereby making the system more convenient to the users.

Regarding claim 14, the system can also "send an e-mail message to the user"

notifying the user that the information is found and the information is ready to view (See

Menard column 5 lines 46-55).

Claim 15 contains the limitations of claim 1 (wherein the system disclosed by

Menard in view of Papadimitriou performs the method claimed in claim 1) and is

analyzed as previously discussed with respect to that claim.

Claim 28 contains the limitations of claims 14 and 15 and is analyzed as

previously discussed with respect to those claims.

Claims 7, 8, 21, and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Menard et al. (US006810526B1) in view of Papadimitriou et al.

(US005592626A) as applied to claims 1, 14, 15, and 28 above, and further in view of

Maze et al. (US006216264B1).

Regarding claim 7, Menard in view of Papadimitriou does not disclose "receiving

a user selection of a notification format for the delivered information".

Maze et al. (Maze) discloses a gopher agent that continually searches for

particular programs for the user based on a user created search request list. The user

can define a type of notification or "receiving a user selection of a notification format" for

when the program has been found and the gopher agent will notify the user using the

selected type of notification (See Maze Fig. 2 and column 3 lines 5-10). Therefore, it

would have been obvious to one with ordinary skill in the art at the time the invention

was made to modify the servers and user terminals disclosed by Menard in view of

Papadimitriou to "receive a user selection of a notification format for the delivered

information", as taught by Maze, in order to offer more customizable options to the

users thereby making the system more convenient to the users.

Regarding claim 8, the system notifies the user using the user-selected type of

notification, as discussed in claim 7.

Claim 21 contains the limitations of claims 7 and 15 and is analyzed as

previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 8 and 15 and is analyzed as

previously discussed with respect to those claims.

Claims 9, 10, 13, 23, 24, and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Menard et al. (US006810526B1) in view of Papadimitriou et al.

(US005592626A) as applied to claims 1, 14, 15, and 28 above, and further in view of

Legall et al. (US006005565A).

Regarding claim 9, Menard in view of Papadimitriou does not disclose "providing

a hierarchically-arranged list of information categories; and receiving a user selection of

an information category from the hierarchically-arranged list".

Legall et al. (Legall) discloses a system and method for searching multiple

resources. The system utilizes query tools that provide a list of categories and

subcategories or "hierarchically-arranged list of information categories" to further define

the search criteria (See Fig. 3b and column 3 lines 34-40). The user selects from this list

and the power search tool uses the selection as its search criteria or "receiving a user

selection...from the hierarchically-arranged list" (See Fig. 3a). Therefore, it would have

been obvious to one with ordinary skill in the art at the time the invention was made to

modify the servers and user terminals disclosed by Menard in view of Papadimitriou to

"provide a hierarchically-arranged list of information categories; and receiving a user

selection of an information category from the hierarchically-arranged list", as taught by

Legall, in order to provide users with more customizable criteria thereby increasing the

efficiency of the system when locating the requested information.

Regarding claim 10, Menard in view of Papadimitriou does not explicitly disclose

that the user PC "provides a graphical user interface (GUI)" and "displaying the

delivered information in a designated area of the GUI".

Legall discloses that the processor system presents to the user a power search

tool using a graphical user interface (GUI) (See Legall Fig. 3b). The power search tool is

capable of displaying the results of the search within the EPG section of the GUI or

"displaying the delivered information in a designated area of the GUI" (See Legall

column 3 lines 19-24). Therefore, it would have been obvious to one with ordinary skill

in the art at the time the invention was made to modify the user terminals disclosed by

Menard in view of Papadimitriou to "provide a graphical user interface (GUI)" and

"displaying the delivered information in a designated area of the GUI", as taught by

Legall, in order to provide users with a more convenient interface thereby by making the

system easier to use and providing a more convenient means of displaying various

types of information.

Regarding claim 13, Menard in view of Papadimitriou does disclose displaying a

notice on the screen of the users terminal (See Menard column 3 lines 35-37).

However, Menard in view of Papadimitriou does not disclose "displaying the delivered

information on the Internet-enabled television system in response to a subsequent user

action".

Legall discloses that the power search tool lists the results of the search within

the GUI notifying the user that the search is complete. The list may contain URLs where

the user can select the URL using the cursor to bring up the corresponding website or

"displaying the delivered information... in response to a subsequent user action" (See

Legall column 4 lines 35-49). All this information may be viewed on a display of the user

PC or "Internet-enabled television system". Therefore, it would have been obvious to

one with ordinary skill in the art at the time the invention was made to modify the user

terminals disclosed by Menard in view of Papadimitriou to "display the delivered

information on the Internet-enabled television system in response to a subsequent user

action", as taught by Legall, in order to give more control of the system to the user

thereby allowing the user to control when information will be displayed.

Claim 23 contains the limitations of claims 9 and 15 and is analyzed as

previously discussed with respect to those claims.

Claim 24 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 13 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 11, 12, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al. (US006810526B1) in view of Papadimitriou et al. (US005592626A) as applied to claims 1, 14, 15, and 28 above, and further in view of Knudson et al. (US006536041B1).

Regarding claim 11, Menard in view of Papadimitriou does not disclose "superimposing" the information "over a television program displayed by the Internet-enabled television system".

Knudson et al. (Knudson) discloses a program guide system that is capable of displaying an information ticker over the television program or "superimposing... over a television program" that provides information that the user requests (See Fig. 13 and column 13 line 49 – column 14 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the servers and user terminals disclosed by Menard in view of Papadimitriou to display the information over the television program displayed by the user terminal, as taught by Knudson, in order to give the user a clear and direct view of the information the user requested.

Regarding claim 12, the information ticker "horizontally" scrolls through different

information categories by use of buttons (See Knudson et al. Fig. 13 element 194).

Claim 25 contains the limitations of claims 11 and 15 and is analyzed as

previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 12 and 15 and is analyzed as

previously discussed with respect to those claims.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard

et al. (US006810526B1) in view of Papadimitriou et al. (US005592626A) as applied to

claims 1, 14, 15, and 28 above, and further in view of Herz et al. (US005835087A).

Regarding claim 29, Menard in view of Papadimitriou does not disclose that a

"triggering event" is a change in stock price.

Herz et al. (Herz) discloses a system that creates user profiles and monitors the

criteria set within the profile. The user can set a profile to monitor a certain stock

performance and price and notify the user when the stock price reaches a certain price

(See column 61 lines 25-60). Therefore, it would have been obvious to one with

ordinary skill in the art at the time the invention was made to modify the system

disclosed by Menard in view of Papadimitriou to also store criteria pertaining to stock

prices as "triggering event", as taught by Herz, in order to expand the capability of the

system thereby providing more convenience to the user.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard

et al. (US006810526B1) in view of Papadimitriou et al. (US005592626A) as applied to

claims 1, 14, 15, and 28 above, and further in view of Dougherty et al.

(US006725461B1).

Regarding claim 30, Menard in view of Papadimitriou does not disclose a

"triggering event" that is "a specified time interval before an impending broadcast of a

particular television program".

Dougherty et al. (Dougherty) discloses a reminder system that is able to notify a

user of an upcoming program. The user of the system is able to "specify a time interval

before an impending broadcast of a particular television program" and the system will

notify the user when the time interval before an impending broadcast is reached (See

column 11 lines 8-16). Therefore, it would have been obvious to one with ordinary skill

in the art at the time the invention was made to modify the system disclosed by Menard

in view of Papadimitriou to use "a specified time interval before an impending broadcast

of a particular television program" as a "triggering event", as taught by Dougherty, in

order to expand the capability of the system thereby providing more convenience and

options to the user.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard

et al. (US006810526B1) in view of Papadimitriou et al. (US005592626A) as applied to

claims 1, 14, 15, and 28 above, and further in view of Proehl et al. (US

20030131356A1).

Regarding claim 31, Menard in view of Papadimitriou does not disclose a

"triggering event" that is "an arrival of an e-mail message".

Proehl et al. (Proehl) discloses a notification system that is used within a cable

television system. Proehl discloses that users can set various events that will trigger the

system to notify the user. The user can set events such as email status alerts (i.e.

arrival of emails) or "triggering event" that is "an arrival of an e-mail message" (See

paragraph 0038). Therefore, it would have been obvious to one with ordinary skill in the

art at the time the invention was made to modify the system disclosed by Menard in

view of Papadimitriou to use "an arrival of an e-mail message" as a "triggering event",

as taught by Proehl, in order to expand the capability of the system thereby providing

more convenience and options to the user.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard

et al. (US006810526B1) in view of Papadimitriou et al. (US005592626A) as applied to

claims 1, 14, 15, and 28 above, and further in view of Cao et al. (US006745230B1).

Regarding claim 32, Menard in view of Papadimitriou does not disclose a

"triggering event" that is "an arrival of an e-mail message from a particular user".

Cao et al. (Cao) discloses a priority alert service that notifies the user based on

certain events. The user can establish an alert profile where the user may set various

events, i.e. sender's e-mail address or name or "an arrival of an e-mail message from a

particular user". When e-mail arrives from a particular sender, the system proceeds to

notify the user (See column 4 lines 49-65). Therefore, it would have been obvious to

one with ordinary skill in the art at the time the invention was made to modify the system

disclosed by Menard in view of Papadimitriou to use "an arrival of an e-mail message

from a particular user" as a "triggering event", as taught by Cao, in order to expand the

capability of the system thereby providing more convenience and options to the user.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Papadimitriou et al. (US005592626A) in view of Menard et al. (US006810526B1).

Regarding claim 1, Papadimitriou et al. (Papadimitriou) discloses a system and

method for efficiently delivering user requested multimedia information in a network of

servers. The system "registers at a cable television headend a plurality of user requests

for information received from a plurality of Internet-enabled television systems

connected to the cable television headend" (See Fig. 1; column 5 lines 1-9).

Papadimitriou also discloses a scheduler located at the server that is able to receive

requests for multimedia programs from the user as well as user selected times at which

the user wishes to receive the multimedia programs. The server and scheduler delivers

the requested multimedia program to the user's receiver at the times specified by the

user or "registering at the cable television headend for at least one of the requests user-

specified criteria for delivery of the requested information in response to a future

triggering event that is separate from and in addition to locating the information". The

system then locates the requested multimedia program and "automatically delivering the

requested information to the requesting Internet-enabled television system in response

to the delivery criteria being satisfied" (See Fig. 1; column 2 lines 17-21 and lines 39-46

and column 4 line 50 – column 4 line 9). However, Papadimitriou does not disclose a

system that "monitors at the cable television headend one or more information sources"

and "notifies a user concerning the delivered information using the Internet-enabled

television system".

Menard et al. (Menard) discloses a "method for headend-based information

monitoring, delivery, and notification" (See Fig. 1; column 1 lines 23-42). The system

"monitors at the cable television headend one or more information sources" and "locate

the requested information" (See column 1 lines 23-27). Then the system "notifies a user

concerning the delivered information using the Internet-enabled television system" (See

column 3 lines 33-39 and column 5 lines 19-36). Therefore, it would have been obvious

to one with ordinary skill in the art at the time the invention was made to modify the

system disclosed by Papadimitriou to "monitor at the cable television headend one or

more information sources" and "notify a user concerning the delivered information using

the Internet-enabled television system", as taught by Menard, in order to provide an

efficient means of locating the requested information among various servers and

making the system more convenient to the users.

Claim 15 contains the limitations of claim 1 (wherein the system disclosed by

Papadimitriou in view of Menard performs the method claimed in claim 1) and is

analyzed as previously discussed with respect to that claim.

Claims 2, 3, 6, 16, 17, and 20 rejected under 35 U.S.C. 103(a) as being

unpatentable over Papadimitriou et al. (US005592626A) in view of Menard et al.

(US006810526B1) as applied to claims 1 and 15 above, and further in view of Lauder et al. (US006253238B1).

Regarding claim 2, Papadimitriou in view of Menard does not disclose "reserving a private cable television channel for delivery of the requested information".

Lauder et al. (Lauder) discloses an interactive cable television system. Lauder discloses that certain channels within the interactive cable television system can be reserved for private information services. A user or subscriber from one area is assigned a channel in order to receive various requested services or "reserving a private cable television channel for delivery of the requested information" (See column 1 lines 24-47). Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the system disclosed by Papadimitriou in view of Menard to be able to "reserve a private cable television channel for delivery of the requested information", as taught by Lauder, in order to provide a means for ensuring an open channel for the search results to be delivered on.

Regarding claim 3, the system distributes signals that carry MPEG-compressed video signals thereby making the private channel an "MPEG-encoded channel" (See Lauder column 3 lines 43-49 and column 4 lines 44-55).

Regarding claim 6, any videos that have been requested by the user on demand are MPEG2 encoded, where inherently the video was encoded using an MPEG encoder or "encoding the requested information" (See Lauder Fig. 1b column 4 lines 53-55). Furthermore, the "encoded information" is sent down to the users terminal as discussed above.

Claim 16 contains the limitations of claims 2 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 3 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 6 and 15 and is analyzed as previously discussed with respect to those claims.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou et al. (US005592626A) in view of Menard et al. (US006810526B1) and in further view of Lauder et al. (US006253238B1) as applied to claims 2, 3, 6, 16, 17, and 20 above, and further in view of Kusaba et al. (US006510556B1).

Regarding claim 4, Papadimitriou in view of Menard and in further view of Lauder does not disclose a method where the "private MPEG-encoded channel" is stored within a "private information indexing table" and transmitted to the user terminal or "Internet-enabled television system".

Kusaba et al. (Kusaba) discloses a video distribution system that stores the distribution channel or "private MPEG-encoded channel" within a schedule table or "private information indexing table" (See Fig. 4e and column 5 lines 48-58). The schedule table is then transmitted to the user's computer or "Internet-enabled television system". Therefore, it would have been obvious to one with ordinary skill at the time the invention was made to modify the system disclosed by Papadimitriou in view of Menard and in further view of Lauder to store the "private MPEG-encoded channel" within a

schedule table or "private information indexing table" and transmit it to a user PC or

"Internet-enabled television system", as taught by Kusaba, in order to notify the

receiving units on which MPEG channel the requested information will be received on.

Claim 18 contains the limitations of claims 4 and 15 and is analyzed as

previously discussed with respect to those claims.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Papadimitriou et al. (US005592626A) in view of Menard et al. (US006810526B1) and in

further view of Lauder et al. (US006253238B1) and Kusaba et al. (US006510556B1) as

applied to claims 4 and 18 above, and further in view of Sorensen (US006598226B1).

Regarding claim 5, Papadimitriou in view of Menard and in further view of Lauder

and Kusaba does not disclose a method where the PC or "Internet-enabled television

system" detects information received on the "private MPEG-encoded channel".

Sorensen discloses a retrieving apparatus or PC that retrieves information. The

retrieving apparatus has a detector that is capable of detecting when it receives data

packets or "information" from a particular channel. The detector then sends a signal or

"information monitoring trigger" to the processor notifying that the data packets have

been retrieved (See column 3 lines 40-59; column 4 lines 7-12). Therefore, it would

have been obvious to one with ordinary skill in the art at the time the invention was

made to modify the user terminals or "Internet-enabled television system" disclosed by

Papadimitriou in view of Menard and in further view of Lauder and Kusaba to be able to

detect when information is received on the "private MPEG-encoded channel" and to

generate a signal or "setting an information monitoring trigger", as taught by Sorensen,

in order to notify the terminal or "Internet-enabled television system" that the "requested

information" has been received and ready to be viewed by the user.

Claim 19 contains the limitations of claims 5 and 15 and is analyzed as

previously discussed with respect to those claims.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-30 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph G Ustaris whose telephone number is 703-305-

0377. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew I Faile can be reached on 703-305-4380. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JGU
December 13, 2004

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600